

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
C.A. NO. 7:11-CV-00273-H**

HAROLD LONEY,

Plaintiff,

vs.

FIRST SOURCE ADVANTAGE, LLC

Defendant.

PROPOSED JOINT DISCOVERY PLAN

1. Pursuant to Fed R. Civ. P. 26(f), a meeting was held on April 27, 2012 via telephone conference, and was attended by the plaintiff, pro se and Caren D. Enloe.

2. **Pre-Discovery Disclosures.** The parties stipulate and agree to exchange information encompassed by Fed R. Civ. P. 26(a)(1) by no later than May 11, 2012.

3. **Nature and Complexity of the Case.** The plaintiff filed suit alleging violations of the Telephone Consumer Protection Act, the federal Fair Debt Collection Practices Act and N.C.G.S. §58-70-90 *et seq.*. The plaintiff seeks damages in an unspecified amount. Defendant denies that violations of the statutes have occurred.

4. **Discovery Plan.** The parties propose to the Court the following discovery plan:

- a. Discovery will be needed on the following subjects: relevant nonprivileged information, testimony and documents going toward the allegations advanced by the Plaintiff and the denials and defenses of the Defendant.

- b. All discovery commenced in time to be completed by November 5, 2012.
 - c. Maximum of 25 interrogatories by each party to any other party.
 - d. Maximum of 25 requests for admissions by each party to any other party.
 - e. Maximum of 6 depositions by each party. Depositions of corporate representatives deposed pursuant to F.R.C.P. Rule 30(b)(6) shall be taken in the city and state of the deponent corporation's principal place of business.
 - f. Pursuant to F.R.C.P. Rule 35, the defendant shall have until October 1, 2012 to make any requests to the Court for an order for Physical or Mental Examination of the Plaintiff.
 - g. Reports from retained experts under Rule 26(a)(2) along with a list of each expert's available dates for depositions are due during the discovery period: From Plaintiff by July 23, 2012. From Defendant by August 23, 2012.
 - h. Supplementations under Rule 26(e) are due seasonably during the discovery period from all parties.
5. **Other items.**
- a. Discovery of electronic information will be handled as follows: to the extent that any non-privileged electronically stored information is discoverable and requested the producing party will provide hard copies of the information printed from the original source of the stored

information, i.e. the producing party's computer system rather than the producing attorney's system.

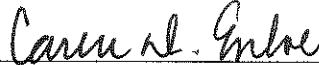
- b. The parties request a pretrial conference in February, 2013.
- c. All potentially dispositive motions should be filed by December 5, 2012.
- d. Settlement will be evaluated on an ongoing basis by all parties working in good faith and may be enhanced by the use of mediation.
- e. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from the Plaintiff 30 days before the final pretrial conference and from Defendants 20 days before the final pretrial conference. The parties shall have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- f. The case should be ready for trial by March, 2013. Trial of this action is expected to take approximately 2-3 days.
- g. Mediation shall take place in this matter after any dispositive motions have been ruled upon and prior to any pretrial conference pursuant to Local Rule 101.2.
- h. The parties have discussed special procedures for managing the case, including referral to a Magistrate Judge, and the parties cannot reach unanimous agreement as to the referral of the case to a Magistrate Judge.

- i. All parties agree to implement the provisions of Rule 26(b)(5)(B) to protect any information produced in discovery that is subject to a claim of privilege or of protection as trial-preparation material.

This the 30 day of April, 2012.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the foregoing document on the following via first class mail, postage prepaid as follows:

Harold Loney, *pro se*
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This the 4th day of May, 2012.

/s/ Caren D. Enloe
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